

## **EXHIBIT A**

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1 THE COURT: I have a civil trial that begins first  
2 week of April after that.

3 (Pause)

4 THE COURT: April 17. Mr. Litt, what's the  
5 government's estimate at this time, I am not going to hold you  
6 to it, rough estimate how long you expect the government's case  
7 in chief to last.

8 MR. LITT: One and a half, two weeks, depends how  
9 things play out, if there is a superseder, how much bigger it  
10 would get.

11 THE COURT: That's fine. I need to know for planning  
12 purposes if I should schedule anything on the back end. Let me  
13 know if you could promptly if that schedule does not work for  
14 Mr. Hoffmann. I do have availability after, obviously I am not  
15 going to let the remaining time tick off the clock. Once the  
16 excludable time is done, I intend to go forward with the trial  
17 in the spring. So, everybody is on notice. With respect to a  
18 superseder, any reason why the government couldn't supersede  
19 this case by the end of January.

20 MR. LITT: The Only issue would be Bahama documents  
21 which are more critical to the guaranteed fixed rate deposit  
22 issues.

23 THE COURT: That request has been pending in the  
24 Bahamas how long.

25 MR. LITT: August 15.

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1 THE COURT: The government needs to supersede by  
2 January 31. Go to the Bahamas if you have to review the  
3 documents.

4 MR. LITT: If they would let me I would.

5 THE COURT: I don't think it's fair to the defendants  
6 to wait any longer for them to know if there will be any  
7 additional charges. Government to supersede by January 31.  
8 Requests to charge, voir dire, I need from you by March 27, and  
9 a pretrial date, can we see everybody April 13. I think  
10 sidebars are antiAmerican because it's a tyranny of the mind or  
11 a wasting of time. On that day, all day if we have to, we are  
12 going to resolve as many issues as can be resolved in terms of  
13 foreseeable issues. I understand the unforeseeable happens.  
14 You are very experienced, capable lawyers. You know where the  
15 land mines are. Let's set them off before trial.

16 MR. COLTON: I would suggest at some point a date by  
17 which 3500 material has to be produced, exhibits have to be  
18 exchanged, in limine motions in advance of that, to properly  
19 tee it up.

20 THE COURT: We are going to get together between now  
21 and then including Ms. Wolfe with the motion she is going to  
22 file that you are going to join. I don't want to give anything  
23 else at this point; it's premature. Any other deadlines,  
24 anything else we need to discuss.

25 MR. COLTON: No, your Honor.

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DOC #:

DATE FILED: 12/8/05

UNITED STATES OF AMERICA,

Case No. S1 05-CR-621 (KMK)

- v -

**ORDER**

ECF CASE

ALBERTO WILLIAM VILAR, a/k/a "Albert  
Vilar," and GARY ALAN TANAKA,

Defendants.

KENNETH M. KARAS, District Judge:

For the reasons stated on the record at the conference held on November 7, 2005, it is hereby:

ORDERED that the hearing on Defendants' suppression motions shall be held on December 14, 2005, at 9:30 a.m. It is further

ORDERED that in the event that both of the Defendants waive applicable privileges, time is excluded until January 31, 2006, under Title 18, United States Code, Section 3161(h)(8)(A), so that the Government can review discovery materials. It is further

ORDERED that in the event that one or both of the Defendants do not waive applicable privileges, and the Defendants provide the Government with privilege logs on or before December 31, 2005, time is excluded until February 28, 2006 under Title 18, United States Code, Section 3161(h)(8)(A), so that the Government can review discovery materials. It is further

ORDERED that time is excluded until March 31, 2006, under Title 18, United States Code, Section 3161(h)(9), so that the Government can obtain information from foreign authorities by requests made pursuant to mutual legal assistance treaties. It is further

ORDERED that if the Government chooses to supersede the Indictment in this case, it shall do so on or before January 31, 2006. It is further

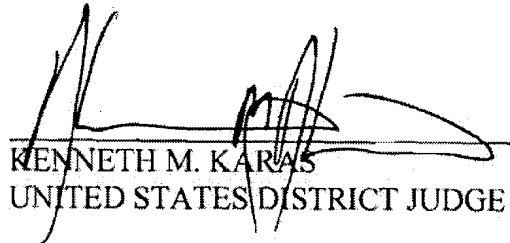
ORDERED that requests for *voir dire* and requests to charge shall be filed with the Court on or before March 27, 2006. It is further

ORDERED that the Court will hold a pre-trial conference on April 13, 2006 at 10:30 a.m. It is further

ORDERED that the trial shall commence on April 17, 2006.

SO ORDERED.

Dated: December 7, 2005  
New York, New York



KENNETH M. KARAS  
UNITED STATES DISTRICT JUDGE